IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 13379 of 2004

Between:

Pasumarthy Venkateswara Rao, S/o Viswanadham,
Kuppenakuntla Gram Panchayat, Penuballi Mandal, Khammam District

..... PETITIONERS

AND

1 District Panchayat Officer, Khmmam District, Khammam
2 Extension Officer (PR & R.D.), Penuballi Mandal, Khammam District
3 Executive Authority of Gram Panchayat (Village Secretary),

Kuppenakuntla Gram Panchayat, Penuballi Mandal, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, particularly one in the nature of Mandamus, declaring Notice in Rc.No.P6/2511/2004 dated 30-6-2004 of the 1st respondent herein as illegal, arbitrary, unreasonable, contrary to the provisions of Sections 19 and 22 of A.P.Panchayat Raj Act, violative of principles of natural justice, without jurisdiction and also violative of Articles 14 and 21 of the Constitution of India and issue a consequential direction to the respondents herein not to give effect to the same.

Counsel for the Petitioners : Mr.M.RAJAMALLA REDDY

Counsel for the Respondent No.1:GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondents 2 & 3 : Smt.JYOTHI ESHWAR

The Court at the admission stage, made the following :

ORDER :

Heard the learned counsel for petitioner and the learned Government Pleader for Respondents.

By the impugned notice dated 30.6.2004, the petitioner was intimated that he incurred disqualification under Section 19(2)(d) of the A.P. Panchayat Raj Act, 1994 for holding the post of Sarpanch for having interest in the subsisting contracts awarded by the Gram Panchayat. Once such intimation is given to the petitioner, he is at liberty to raise the dispute before the District Judge under Section 22 of the Act. On raising such dispute, the District Judge is under obligation to entertain the dispute and pass appropriate orders in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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A.GOPAL REDDY, J

Date: 30.7.2004

Note: Issue C.C. in (3) days.

B/o

DA

To

1 The District Panchayat Officer, Khmmam District, Khammam
2 The Extension Officer (PR & R.D.), Penuballi Mandal, Khammam Dist.
3 The Executive Authority of Gram Panchayat (Village Secretary),

Kuppenakuntla Gram Panchayat, Penuballi Mandal, Khammam District

4. Two CCs to the G.P. for Panchayat Raj & Rural Development

Department, High Court, Hyderabad (OUT)

5. Two CD copies.